

REMARKS

Applicant and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner.

Upon entry of the present Amendment, Claims 1-31 and 33-34 will be all of the claims pending examination.

Instantly Claims 1-7, 9, 11-18, 20, 22-25, 27-28, and 30-32 are amended. Applicant respectfully submits that no new matter has been added by the present amendment. Support for the amendment can be found generally throughout the text. It should also be noted this amendment is not in acquiescence of the Office's position on the allowability of the claims, but made merely to expedite prosecution.

It is respectfully submitted the present invention is patentably distinct over the cited art; therefore, the Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

I. Drawing Objections

1. 37 CFR 1.83(a)

The drawings are objected to under 37 CFR 1.83(a). The Examiner indicates the drawings fail to show every feature of the invention as defined in Claim 12, specifically, the "motor vehicle body," thus, requiring replacement drawings or amendment of the claims.

Applicant has hereby amended Claim 12 so as to fully address the Office's concerns. It is respectfully submitted the drawings now fully comply with 37 CFR 1.83(a) and, therefore, the objections can be immediately withdrawn.

II. Claim Rejections

1. Statutory Type Double Patenting

The Office maintains that Claims 25-27 and 28-30 are substantially duplicates of one another and thus unpatentable under 35 U.S.C. 101.

Claims 25 and 28 are different from one another. Claim 25 includes additional language further defining the invention; namely, Claim 25 states, "[a]nd the at least one support bracket...". It is respectfully submitted that Claims 25 and 28 are, therefore, different from one another and merely reflect plural claiming of the invention. As explained in the MPEP an applicant has the "[r]ight to restate (i.e., by plural claiming) the invention in a reasonable number of ways. Indeed, a mere difference in scope between claims has been held to be enough." *Id.* at 706.03(k).

In addition, by virtue of their dependence upon different base claims it is also submitted that Claims 26-27 and 29-30 are not duplicates of one another, but merely plural claims as well.

Thus Applicant respectfully requests that the present double patenting rejections be withdrawn in light of the differences between the claims.

2. 35 U.S.C. § 102(b)

Claims 1, 6, 11-12, 17, and 22 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Mildner et al., EP No. 0945330 (hereinafter "Mildner"). Applicant must respectfully disagree.

As best understood, Mildner relates to a cross strut fastened to two longitudinal vehicle struts (1, 2). Connection plates (10, 11) are welded to the front ends of the vehicle body side walls (4, 5). The Office finds that these connection plates (10, 11) teach the presently claimed support brackets (20, 22). And in turn, that Mildner therefore teaches "[a]t least one support bracket 10, 11 adapted for indirect connection

to at least one frame rail...". *Office Action Pg. 3*. However, the presently claimed invention as exemplified in Claim 1 provides for "[a]t least one support bracket adapted for direct connection to at least one frame rail...". Thus an indirect connection fails to teach the presently claimed invention and demonstrates the substantial difference between what is taught by Mildner and what is now claimed. The indirect connection of the Mildner connection plates to the body side walls and not the vehicle's struts reflects the substantially different design and function of the connection plates cited as teaching the presently claimed support brackets. In contrast to Mildner, the location of the support brackets in combination with the other elements of the presently claimed invention (e.g., the attachment clip) allows for the quick, secure, and easy installation of the structural carrier assembly, which, in turn, allows for the streamlining of the overall manufacturing process.

Because, among other things, the claims as presently amended now recite, "[a]t least one support bracket adapted for *direct* connection to at least one frame rail..." (E.g., Claim 1; *emphasis added*). It is respectfully submitted that all of the presently claimed elements are not taught by the Mildner as required to establish a 102 anticipatory rejection and, therefore, the withdrawal of the rejections is immediately appropriate.

4. 35 U.S.C. § 103(a)

Claims 2-4 and 13-15 stand rejected under 35 U.S.C. § 103(a) as being obvious over Mildner as applied to Claims 1 and 12 in view of Latcau, U.S. Patent No. 6,450,276 (hereinafter "Latcau").

Claims 5 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious over Mildner as applied to Claims 1 and 12 in view of Ritchie et al., U.S. Patent No. 6,712,426 (hereinafter "Ritchie").

As the Examiner is assuredly aware, in order to establish a *prima facie* case of obviousness: there must be some suggestion or motivation to modify the references;

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there must be a reasonable expectation of success in doing so; and the prior art references must teach or suggest all the claims limitations. *See MPEP § 2142, citing In re Vaeck, 947 F.2d 488, 20 USPQ 2d. 1438 (Fed. Cir. 1991).*

Latcau and Ritchie fail to overcome the deficiencies of Mildner as discussed above. A *prima facie* case of obviousness has not been established since all of the presently claimed limitations are not taught or suggested to the skilled artisan.

Applicant therefore respectfully requests the obviousness based rejections be withdrawn at this juncture.

III. Conclusion:

In view of the foregoing, it is respectfully submitted that independent Claims 1, 12, and 23 fully distinguish over the applied art and are thus are in condition for allowance. By virtue of dependence from what are believed to be allowable independent Claims 1, 12, and 23, it is respectfully submitted that Claims 2-11, 13-31, and 33-34 are also presently allowable.

Applicant acknowledges that Claims 7-10, 18-21, 28-31 and 33-34 were indicated by the Examiner as being allowable if rewritten in independent form or rewritten to overcome minor Informalities, while Claims 23-27 were indicated as being allowable. Applicant reserves the right to file new claims of such scope at a later date that would still, at that point, presumably be allowable.

In summary, it is respectfully submitted that the instant application, including Claims 1-31 and 33-34, is presently in condition for allowance. Notice to the effect is earnestly solicited.

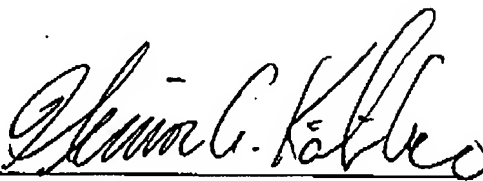
While no fees are believed to be necessary in connection with this submission, the USPTO is hereby authorized to charge any fees which may be required by this paper and/or to credit any overpayments to Deposit Account No. 50-2527.

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If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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